

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

Case #14-CR-6136-FPG

v.

DECISION AND ORDER

RACHEL VAIL,
Defendant.

By Text Order dated August 26, 2014, this case was referred to United States Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B). ECF No. 4. Defendant Rachel Vail is charged in Count 2 of the Second Superseding Indictment with conspiring to possess with intent to distribute cocaine and cocaine base in violation of 21 U.S.C. § 846, and in Count 3 with conspiring to commit money laundering in violation of 18 U.S.C. § 1956(h). ECF No. 55.

Defendant has moved to suppress statements she made during a proffer session, to dismiss the Indictment, and to sever her trial from her co-defendants. ECF No. 108. After receiving briefing from the parties and hearing argument on the applications, Magistrate Judge Feldman issued his Report and Recommendation (ECF No. 238), which recommends the denial of Defendant's motions. No objections have been filed to the Report and Recommendation, and the time to do so has now expired.

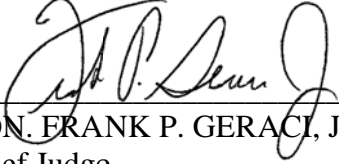
In reviewing a Report and Recommendation, this Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Since no objections were filed, this Court is not required to conduct a *de novo* review of Magistrate Judge Feldman's Report and Recommendation. *Thomas v. Arn*, 474 U.S.

140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997) (“We have adopted the rule that failure to object timely to a magistrate judge’s report may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.”). Magistrate Judge Feldman also reminded the parties of Fed. R. Crim. P. 59(b)(2), stating that “**Failure to file objections within the specified time or to request extension of such time waives the right to appeal the District Court’s Order.**” ECF No. 238. (Emphasis in original).

Since no objections have been filed, this Court accepts and adopts the Report and Recommendation filed by United States Magistrate Judge Jonathan W. Feldman (ECF No. 238) in its entirety, and Defendant’s motions to suppress, to dismiss, and to sever (ECF No. 108) are denied in all respects.

IT IS SO ORDERED.

DATED: July 6, 2017
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court